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EXAMINER
JEAN GILLES, JUDE

ART UNIT	PAPER NUMBER
2143	

MAIL DATE	DELIVERY MODE
06/18/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>30 March 2007</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-31</u> is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-31</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>09 July 2003</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All　b)☐ Some * c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

This Action is in regards to the Reply received on 03/30/2007.

Response to Amendment

1.   In this Reply all independent Claims 1, 15 and 24 were amended. Claims 1-31 are pending. Claims 1-31 represent a method and apparatus for an " SYSTEMS AND METHODS FOR COLLECTING DATA REGARDING NETWORK SERVICE OPERATION"

Response to Arguments

2.   Applicant's arguments with respect to claims 1, 15 and 24 have been carefully considered, but are not deemed fully persuasive. Applicant's arguments are deemed moot in view of the following new ground of rejection as explained here below, necessitated by Applicant substantial amendment (i.e., a method wherein intercepting a message sent by a client computer using a web protocol, the message being directed to a web service available on the Internet...) to the claims which significantly affected the scope thereof.

The dependent claims stand rejected as articulated in the Previous Office Action and all objections not addressed in Applicant's response are herein reiterated.

In response to Applicant's arguments, 37 CFR § 1.11(c) requires applicant to "clearly point out the patentable novelty which he or she thinks the claims present in view of the

state of the art disclosed by the references cited or the objections made. He or she

must show the amendments avoid such references or objections."

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4.   **Claims 1-31** are rejected under 35 U.S.C. 102(e) as being anticipated by

Karakashian et al (Karakashian), Patent No. 6,754,718 B1.

Regarding **claim 1**, Karakashian discloses

1. (Currently amended) A method for collecting data regarding network service

operation, the method comprising:

intercepting a message sent by a client computer using a web protocol, the message

being directed to a web service available on the Internet [par. 0032];

storing information about the message once it has been intercepted, the information

being useful in profiling service operation [par. 0033; *note that the container driver 200*

receives the message context from the protocol adapter 102 and sends the message

context to the registered inbound interceptors 202, 204, 206; and

transmitting the message to a destination web service (*see the disclosure of claim 1;*

note the Web Service invoke requests is saved in the container driver, where the

message context is modified and sent with message to the web services destination).

2. (Currently amended) The method of claim 1, wherein intercepting a message

comprises intercepting a message sent by a developed web service that executes on

the client computer [0032, 0063].

3. (Currently amended) The method of claim 1, wherein intercepting a message

comprises intercepting a message using a network proxy that is intermediate the client

computer and the destination web service [0016, 0087].

4. (Original) The method of claim 1, wherein storing information about the message

comprises storing information about the message using a network proxy [0016, 0087].

5. (Currently amended) The method of claim 4, wherein storing information about the

message comprises storing information about at least one of a time the message was

received, an identity of the client computer that sent the message, an identity of the

destination network service, a time at which the message was transmitted to the

destination network service, and information about the substance of the message.

6. (Currently amended) The method of claim 1, wherein transmitting the message to a

destination web service comprises transmitting the message to an external web service

on the Internet [0036, 0044, 0045, 0046, and 0050].

7. (Currently amended) The method of claim 1, wherein transmitting the message to a

destination web service comprises transmitting the message to a mock web service

that emulates operation of an external web service [0134, 0135; note that a mock web

service is similar to a test web service].

8. (Currently amended) The method of claim 1, further comprising interjecting instrumentation information into the message prior to transmitting the message to the destination web service, the instrumentation information being useful in profiling system operation [*See the disclosure of the abstract and claim 1; note that the formatted context information from the container driver and parameters that are passed from the message context to the target of the request. The invocation handler processes values returned from the target and passes these values to the container driver and these values and parameters represent profiling system data*].

9. (Currently amended) The method of claim 8, wherein interjecting instrumentation information comprises interjecting instrumentation information using a network proxy that is intermediate the client computer and the destination network web service [0016, 0087].

10. (Original) The method of claim 9, wherein interjecting instrumentation information comprises adding instrumentation information to a header of the message [0027, 0040, and 0054].

11. (Currently amended) The method of claim 9, wherein interjecting instrumentation information comprises interjecting at least one of a time the message was received, an identity of the client computer that sent the message, an identity of the destination network service, a time at which the message was transmitted to the destination network service, and information about the substance of the message.

12. (Currently amended) The method of claim 11, further comprising receiving a response from the destination network web service and storing data regarding the response.

13. (Original) The method of claim 12, wherein storing data regarding the response comprises storing data using a network proxy through which the response is routed [0016, 0087].

14. (Original) The method of claim 13, wherein storing data regarding the response comprises storing at least one of a time the response was received, an identity of the destination network service, a time that the message transmitted to the destination network service was received, and a time that the response was transmitted by the destination network service.

15. (Currently amended) A system for collecting data regarding network service operation, the system comprising:

means for intercepting a message sent by a client computer using a web protocol, the message being directed to a web service available on the Internet;

means for storing information about the message once it has been intercepted;

means for interjecting instrumentation into the message, the instrumentation being useful in profiling service operation; and

means for transmitting the message to a destination web service [par. 0032; 0033; also see abstract and figs 1-4].

16. (Currently amended) The system of claim 15, wherein the means for intercepting a

message comprise a network proxy that is intermediate the client computer and the

destination network web service [0016, 0087].

17. (Currently amended) The system of claim 15, wherein the means for storing

information comprise means for storing information about at least one of a time the

message was received, an identity of the client computer that sent the message, an

identity of the destination network service, a time at which the message was transmitted

to the destination network service, and information about the substance of the message.

18. (Currently amended) The system of claim 15, wherein the means for interjecting

instrumentation information comprise a network proxy that is intermediate the client

computer and the destination web service [0016, 0087].

19. (Original) The system of claim 15, wherein the means for interjecting

instrumentation information comprise means for adding instrumentation information to a

header of the message [0027, 0040, and 0054].

20. (Currently amended) The system of claim 15, wherein the means for interjecting

instrumentation information comprise means for interjecting at least one of a time the

message was received, an identity of the client computer that sent the message, an

identity of the destination network service, a time at which the message was transmitted

to the destination network service, and information about the substance of the message

[par. 0032; 0033; also see abstract and figs 1-4].

21. (Currently amended) The system of claim 15, further comprising means for storing

data regarding a response received from the destination web service [figs 1-4].

22. (Original) The system of claim 21, wherein the means for storing data regarding a response comprise a network proxy [0016, 0087].

23. (Original) The system of claim 21, wherein the means for storing data regarding the response comprise means for storing at least one of a time the response was received, an identity of the destination network service, a time that the message transmitted to the destination network service was received, and a time that the response was transmitted by the destination network service [par. 0032; 0033; also see abstract and figs 1-4].

24. (Currently amended) A network proxy stored on a computer-readable medium [0016, 0087], the proxy comprising:

logic configured to intercept messages sent by a client computer using a web protocol and directed to a web service available on the Internet;

logic configured to store information about the message once it has been intercepted, the information being useful in profiling service operation; and

logic configured to transmit the message to a destination web service [par. 0032; 0033; also see abstract and figs 1-4].

25. (Currently amended) The network proxy of claim 24, wherein the logic configured to store information about the message comprises logic configured to store information about at least one of a time the message was received, an identity of the client computer that sent the message, an identity of the destination network service, a time at which the message was transmitted to the destination network service, and information about the substance of the message [par. 0032; 0033; also see abstract and figs 1-4].

26. (Currently amended) The network proxy of claim 24, wherein the logic configured to transmit is configured to transmit the message to one of an external web service and a mock web service that emulates operation of the external web service [0016, 0087].

27. (Original) The network proxy of claim 24, further comprising logic configured to interject instrumentation information into the message [0016, 0087].

28. (Original) The network proxy of claim 27, wherein the logic configured to interject instrumentation information comprises logic configured to add instrumentation information to a header of the message[0027, 0040, and 0054].

29. (Currently amended) The network proxy of claim 27, wherein the logic configured to interject instrumentation information comprises logic configured to interject at least one of a time the message was received, an identity of the client computer that sent the message, an identity of the destination network service, a time at which the message was transmitted to the destination network service, and information about the substance of the message[par. 0032; 0033; also see abstract and figs 1-4].

30. (Currently amended) The network proxy of claim 24, further comprising logic configured to receive a response from the destination web service and logic configured to store data regarding the response [0083, 0090, and 0093].

31. (Original) The network proxy of claim 30, wherein the logic configured to store data regarding the response comprises logic configured to store at least one of a time the response was received, an identity of the destination network service, a time that the

message transmitted to the destination network service was received, and a time that

the response was transmitted by the destination network service[par. 0032; 0033; also

see abstract and figs 1-4].

Conclusion

5.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from

examiner should be directed to Jude Jean-Gilles whose telephone number is (571) 272-

3914. The examiner can normally be reached on Monday-Thursday and every other

Friday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, David Wiley, can be reached on (571) 272-3923. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is (571) 272-

9000.

Jude Jean-Gilles

Patent Examiner

Art Unit 2143

JJG

June 10, 2007

DAVID WILEY
SUPERVISORY PATENT EXAMINER
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